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Before the
FEDERAL COMMUNICATIONS COMMISSION

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Washington, D.C. 20554

In the Matter of)
)
Petition of the)
Community Broadcasters Association) RM-9260
For Establishment of a "Class A")
Television Service)

To: The Commission - Mail Stop 1170

Comments of Commercial Broadcasting Corp.

These Comments are filed by Commercial Broadcasting Corp., operator of low power television station WRAP-LP, Cleveland, OH; WIRE-LP, Atlanta, GA.

I applied for my first LPTV Station in 1989, I have built five stations and currently operate four. In the last nine years I have seen the Low Power industry grow from its' infancy; a time of little programming, unreliable equipment and no respect, to its' current

state of adolescence; multiple choices of programming, very good equipment and awareness there is an LPTV industry.

In the last nine years I have had six different sources of programming. In the last five years I have had to change channels and locations of the five stations at least fifteen times, the latest to dodge DTV allocations. I have lost one station due to displacement by a full power station. I would be eternally grateful to the Commission if, by their granting of permanent Class A status for LPTV, I was able to stop constantly being on the alert, trying to anticipate where the next threat to my stations will be coming from and get on with making these stations as good as I know they can be. Permanent status will give the Low Power TV industry the ability to progress beyond what without permanent status will be permanent adolescence at best or a slow fade into oblivion at worst.

Section 73.627. Class A Television Stations:

Section 73627(a): "Applications for Class A television licenses must be filed by one year after effective date of the rules." I currently have permits to build four more stations. Each of these four stations was displaced by a DTV allocation. I currently operate a station, WARP_LP Channel 20 Tampa, that took four years to build. I have an obvious economic incentive to get these stations built as quickly as possible, however for reasons beyond anybody's control

sometime it just takes longer than anticipated. Thus I don't believe permanent status should be limited to stations that are currently on the air or can be built within one year after the effective date of the rules. I believe stations should be made permanent as they qualify.

There has been a ban on applications for new LPTV stations for the last five years in the top thirty television markets and a freeze on all new full power applications, since there will be no new full power or LPTV stations in these markets (not including stations that might be built as a result of auctioning channels 52 thru 69), all LPTV stations currently permitted should be allowed to attain permanent status if they can find a channel in the "core" TV channels as they are built. Outside the "freeze" areas all stations that are permitted in the future should be able to attain permanent status as they are built.

I would like to see Section 73.627(a) ammended to read; "Applications for Class A television licenses must be in the "core" television channels and all applications for Class A television licenses must be filed within one year after being built.

Section 73.627 (ii): "The broadcast of not less than 3 hours in each calendar week of programming produced within the principal city contour of the station..." The field of the LPTV industry is littered with the stories of very well intentioned people gone bankrupt who

had spent vast sums of money building an LPTV station with the idea of doing most or all local programming only to find inexperience, large ongoing expense, lack of advertiser support, denial of cable carriage, unrecognizable call signs and small coverage areas contributing to the general perception that Low Power Television is not "real" television, ruined their dream.

Recently the FCC has done a excellent job helping the industry overcome its' initial handicaps of unrecognizable call signs and power limits too low to cover an entire market. However, there are still handicaps that must be overcome to make LPTV competitive with the rest of the broadcast industry. Permanent status will allow LPTV stations to finally be recognized by the banking industry as acceptable credit risks for the loans necessary to expand. Higher power levels, once granted and implemented, will finally allow stations to more fully cover their markets. The largest remaining hurdles, after secondary status, are still lack of cable carriage and programming; the inability to reach cable viewers, the cost of high quality syndicated programming for an independent station in a major market and the lack of a network with which to supplement local programming combine to make the idea of a LPTV station based on the business model of a full power station unrealistic at present.

The idea of using some amount or type of programming to determine if a station can qualify for Class A status is putting the cart before the horse. As an LPTV becomes recognized in its market as a higher

power permanent station money will become much more available to expand operations, which will inevitably lead to an expansion of programming options, which, in turn, will lead to more good quality local programming. Mandating three hours of locally produced programming to qualify for Class A status will only generate a rush to produce three hours of locally produced programming to qualify for Class A status. While the intent is a noble one imagine mandating a rule that all television stations and cable channels must produce three hours of good programming a week to continue as permanent channels. I suspect some might have a problem qualifying.

As good as the idea sounds in the end local programming will be produced on LPTV stations for the same reason it is produced on full power stations; because local programming is more profitable than network programming.

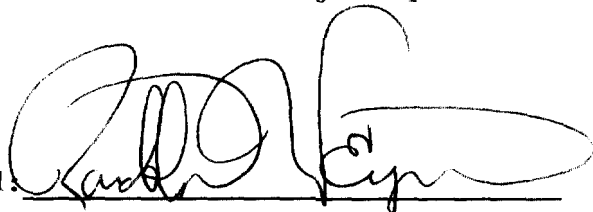
Section 73.622(i): "Class A television licensees may apply for digital facilities as follows": I agree with this section as proposed. I believe Class A television stations should be allowed an alternate channel to broadcast in DTV or should be allowed to convert to DTV on their assigned channel at any time prior to or at the time NTSC transmission ends.

In conclusion I would like to thank the F.C.C. for considering making LPTV a permanent service. I believe we in the LPTV industry

have labored many hundreds of thousands of man and woman hours to build a service that has exceeded both your and our original ideas and expectations. Quite frankly, we could never have gotten this far without your incredible help and support. Granting Low Power Television Stations Permanent Class A status will enable us to continue to strive to excel in our chosen profession, that of providing ever better and more diverse opinions and options to the television viewing public.

Respectfully submitted,

Commercial Broadcasting Corp.

Signed: 

Date: May 19, 1998

By: Randolph Weigner

Title: President